

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE MASON
TENDERS DISTRICT COUNCIL
WELFARE FUND, PENSION FUND,
ANNUITY FUND AND TRAINING
PROGRAM FUND, *et al.*,

Petitioners,

-v-

AZZ ENVIRONMENTAL, INC.,
Defendant.

23-CV-6068 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Defendant was served on July 20, 2023. (*See* ECF No. 6.) On August 10, 2023, Zenon Baranak filed a letter on the docket requesting additional time to retain counsel and respond to the complaint. (*See* ECF No. 7.)

Mr. Baranak also filed a “notice of pro se appearance.” (*See* ECF No. 8.) However, companies may not appear pro se and must retain counsel in order to defend a case in court.

To date, no response to the complaint has been filed. Petitioners have not moved for a default judgment.

Petitioners are directed to notify the Court whether they intend to move for default judgment, or if they have received any communication from Defendant or its counsel regarding a response to the complaint.

If Petitioners fail by January 18, 2024, to either (1) file a letter concerning the status of the case, or (2) move for default judgment against Defendant, the action may be dismissed for failure to prosecute.

Petitioners are directed to serve a copy of this order by mail on Defendant and Mr. Baranak.

SO ORDERED.

Dated: January 4, 2024
New York, New York



J. PAUL OETKEN
United States District Judge